In B.C.'s Historical Constitution Crisis, the Governor was Fired

He was a HATED HERO

"WE ARE THE PEOPLE!" The shrill cry rang out over the hubbub in British Columbia's legislative chamber in early 1900.

"We are the people!"

The shrill cry came from MLA Price Ellison. "We are the people!"

And all the MLA's, save two, turned their backs on His Honor the Lieutenant-Governor, Dr. T. R. McInnes, and followed James Dunsmuir out of the chamber, leaving His Honor, considerably shaken, to read his speech of prorogation.

It was one of the most stirring events in a British colony in modern times.

And constitutional authorities are still arguing about it.

Those were the days before party politics in B.C. and there was constant instability in our legislature.

Charles Semlin was the premier. He had been defeated on the floor of the legislature. He asked Lieutenant-Governor McInnes for time to consider his position.

Here is the point: Semlin did not recommend a man to succeed him.

McInnes, losing patience after a few days, dismissed Semlin and appointed Joseph Martin to the premiership. His Honor, thereby, embroiled himself in politics.

A lieutenant-governor, under our constitution, must follow the advice of his chief minister, the premier, even though the premier has been defeated.

We saw this work, constitutionally, in 1952, when Premier Byron Johnson had been defeated by W. A. C. Bennett.

There was stalling for six weeks, and then, when it appeared Social Credit would have 19 seats, and the CCF 18, Premier Johnson went to Lieutenant-Governor Clarence Wallace, resigned, and recommended to His Honor that Mr. Bennett be called upon to form a government. His Honor had no alternative but to call Mr. Bennett.

In the famous McInnes-Semlin-Martin case, correspondence between McInnes and Prime Minister Sir Wilfrid Laurier has now come to light.

Laurier, much against his will, no doubt, was forced to step into the confused B.C. political scene and fire Lieutenant-Governor McInnes.

McInnes was a stubborn man, a brilliant man in many ways. He had been an active politician —Mayor of New Westminster, MP for New Westminster, and then he went to the Senate, which he left to become lieutenant-governor.

He was a born politician. As a senator he was frustrated. As lieutenant-governor he was frustrated. He had to have his finger in the hot political pie.

It is extraordinary in many ways that a man such as James Dunsmuir, wealthy, a man one would not think particularly interested in the workings of democracy, should have led the rebellion.

"We are the people," shouted Price Ellison.

Premier Semlin, because he knew he was on shaky ground, had pursued a weak policy of shilly-shally. He did very little in the House, fearing defeat.

Lieutenant-Governor McInnes, in his account of the whole constitutional crisis, wrote: "The legislature continued in session for nearly two months—no legislation was passed—the government hanging on to office sometimes by the majority of one—sometimes by the grace of Mr. Speaker's casting vote. Finally the government was defeated on its Redistribution Bill—and every member of the legislature present.

"Mr. Semlin waited upon me the same evening and informed me of his defeat, which he treated as a want of confidence in his government. He asked me for time, however, until the Monday evening following, in order to consider the situation.

"This request was acceded to. On Monday evening, however, Mr. Semlin, instead of tendering his resignation, or asking for a dissolution, as I submit was the only proper course open to him, merely asked for more time—he stated that he could demonstrate his control of the House on the following day. On my asking him how, he refused to state — merely repeating that he thought he could demonstrate his control of the House. I promised him an answer before noon the next day . . ."

PREMIER SEMLIN announced to the legislature His Honor's answer: "This forenoon I received a communication from His Honor to the effect that he declined to be further advised by myself and my colleagues and had already sought, or would forthwith seek, other advisers."

The members of the House, who had been against Semlin, now rallied behind him, outraged that the Sovereign's representative should dare express a political opinion.

They passed this resolution: "That this House, being fully alive to the great loss, inconvenience and expense to the country by any interruption of the business of this House at the present time, begs to express its regret that His Honor has seen fit to dismiss his advisers, as in the present crisis they have the effective control of the House."

Premier Martin held on to office three months, called an election, was soundly trounced, and James Dunsmuir became premier.

The federal government intimated to Lieutenant-Governor McInnes that he should resign.

Then the members of the B.C. legislature signed a petition saying McInnes should immediately leave his high office.

McInnes refused.

Prime Minister Laurier, in June of 1900, wired to McInnes: "It is the opinion of the government that the result of the appeal to the people of British Columbia makes it impossible for you

LIEUTENANT-GOVERNOR McINNES . . . "the political assassination has taken place"

to remain lieutenant-governor of British Columbia and that you telegraph your resignation today."

McInnes replied to Laurier that he would "not tender my resignation at present."

Laurier wired back: "Your telegram received. Sorry you would not accept my suggestion. Action cannot be deferred."

That evening McInnes received a wire from R. W. Scott, secretary of state: "His Excellency the Governor-General-in-council has seen fit to remove you from the office of lieutenant-governor of British Columbia. The Hon. Sir Henri Gustave de Lotbiniere has this date been sworn in as lieutenant-governor of the province and, pending his arrival, Hon. Angus John McColl, chief justice, has been appointed administrator of the government, to whom you will please hand over the great seal of the province."

THE CASE MADE headlines right across the country. Scores of editorials were written, all condemning McInnes' action.

Typical was The Toronto Globe: "McInnes appointed to the premiership of British Columbia a man who had practically no following in the legislature. He dismissed a government which was able to supply evidence that it could command a majority of the assembly.

"The governor's action was condemned by an almost unanimous vote of the old legislature.

"The governor's nominee was given weeks to form his government, and months to perfect his campaign in the country, and yet at the polls he was overwhelmingly defeated.

"The governor has violated every tradition and principle of popular government and set the Canadian constitution at defiance. He has wholly misunderstood his position and undertaken to exercise functions which can only be properly exercised by parliament. From every standpoint Mr. McInnes is condemned by all sound constitutional precedent, and it is right that his dismissal should be demanded and necessary that the demand should be granted."

Now out of office, Mr. McInnes wrote his account of the crisis: "Having been officially deposed by the Laurier government . . . I defy any member of the Dominion government or anyone else to point to a single act of mine in connection with the dismissal of the Semlin government, and the formation of the Martin government, up to the very day of my dismissal, that cannot be upheld and justified by precedents established by the Liberals themselves, from the time of Pitt, the Great Commoner, to the present time.

"I WAS CONVINCED that Mr. Martin was the man best fitted to assume control . . . at the same time I had been made fully aware that Mr. Martin was distasteful to Sir Wilfrid Laurier's government, and if I considered by own interests and my own position merely, I should, under no circumstances, call upon him.

"And immediately upon the defeat of the Semlin government I was made fully aware also that the great corporations, whose metallic influence is apparently all-powerful at Ottawa, would do their utmost to have me politically assassinated if I should dare to call upon Mr. Martin.

"I refused to resign, although I had previously offered to do so on several occasions, for had I resigned under such circumstances it would have been construed as an admission that I was in the wrong, and Sir Wilfrid would have been relieved entirely from having had a justification for my dismissal.

"As mayor, member of Parliament, senator and lieutenant-governor, I had acted in a public capacity continuously in British Columbia since 1876, and there has not been a day of that period that either threats or corporations, or the clink of their coin, had moved me from the line of duty.

"And I believe it was in the interests of the people of British Columbia, rather than the interests of Sir Wilfrid Laurier, and the Crows' Nest magnates that I was bound to consider, and in my judgment, after the defeat of the Semlin government, Mr. Martin was better fitted than any other member of the legislature to form a government in the interests of the province.

"And now the political assassination that was threatened has taken place."

John Tupper Saywell, formerly of Victoria, now professor of history at the University of Toronto, and editor of the Canadian Historical Review, writing for his BA, said: "McInnes found . . . a political situation that would have taxed the ingenuity, patience and resourcefulness of the greatest of statesmen.

"Had he let matters drift he would have betrayed his position of moral responsibility, and destroyed the faith and trust of those people over whom he had been set. That he took a very strong stand when he became convinced of the righteousness of his position, and that he moved very boldly when his path became clear is indisputable.

"That he erred in his judgment is also beyond dispute. Those who charged him with partisanship pervert the truth, and those who claim that he was the creator of confusion reveal ignorance of the subject.

"Yet, the dismissal was necessary . . . McInnes had aroused the ire of the political leaders and the people of the province. It would have been an almost impossible task to achieve an amicable and working relationship between the lieutenant-governor and his new advisers.

"Resort to dismissal, under the circumstances, was a necessary last resort."